



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 05/23/06
AGENDA ITEM 10
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Utility Service Agreement 06-01 – Albert and Constance Jordan (Applicants/ Owners) – Authorize the City Manager to Execute a Utility Service Agreements for Water and Sewer Service at 2661 Depot Road

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution:

- 1) Authorizing the City Manager to execute Utility Service Agreements to provide water and sewer services for the subject property on Depot Road;
- 2) Authorizing the City Manager to execute a Public Street Improvement Agreement for the subject property on Depot Road; and
- 3) Directing staff to apply to the Local Agency Formation Commission (LAFCO) for approval of the Utility Service Agreements.

DISCUSSION:

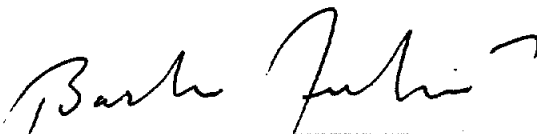
The applicant has requested water and sewer service connections for a single-family home in the Mt Eden area at the subject location. The property has a substandard well that has been deemed a health risk by the Alameda County Health Care Agency.

Existing City policy allows parcels located in the unincorporated portion of the County to connect to the City sewer system when the Alameda County Health Care Agency determines that there is a public health risk due to an existing septic tank failure or other contamination issue. Applicant has submitted the attached County letter indicating a health risk due to the substandard well.

Pursuant to City policy, the applicant has executed agreements committing them to install roadway frontage improvements and tie-in pavement at a future date and agreeing to annex, if and when requested by the City. This is consistent with past agreements approved for providing utility service to properties outside the City limits.

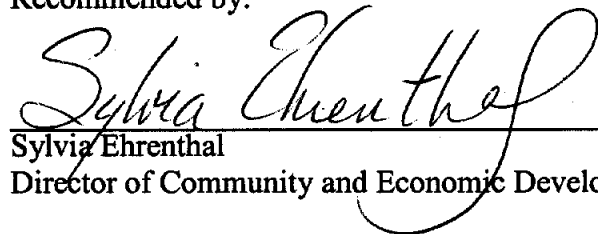
This application for the water service is Categorically Exempt per CEQA Guideline Section 15301(b) (existing facilities of a publicly owned utility). If execution of the agreements is approved, the City will need to apply to LAFCO for approval of the utility service agreement.

Prepared by:



Bashir Y. Anastas, P.E.
Development Review Services Engineer

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments:

- | | |
|------------|--|
| Exhibit A. | Area Map |
| Exhibit B. | Alameda County Health Care Services Agency letter, dated May 3, 2006 |
| | Draft Resolution |

5/16/06



Area & Zoning Map

Utility Service Agreement 06-01

Address: 2661 Depot Road

Applicant: Albert & Constance Jordan

Owner: Albert & Constance Jordan

Zoning Classifications

RESIDENTIAL

RS Single Family Residential, min. lot size 5000 sqft

INDUSTRIAL

I Industrial



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Exhibit B

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6736 Fax (510) 337-9432

May 3, 2006

Mr. Al Jordan
2661 Depot Road
Hayward, CA 94545

Subject: **Unpermitted water well serving the residence located at
2661 Depot Road, Unincorporated Alameda County
APN: 441-065-14**

Mr. Jordan,

It was brought to the attention of the Alameda County Department of Environmental Health (the Department) that the well serving the residence located on the above-referenced property is an unpermitted well, delivering water of questionable quality.

Based on the information about the well, it is apparent that the water supplying the residence is from an unreliable source. There is an inherent health risk associated with using water from an unpermitted well which, according to your description, lacks a proper sanitary seal, allowing potential bacterial and chemical contaminants to seep into the well. Furthermore, the relatively shallow depth of the well implies that the well is drawing from the upper water-bearing strata. There are documented cases of groundwater contamination from leaking underground tanks in the general vicinity.

The Department strongly recommends that you seek an alternate potable water supply prior to occupying the residence to replace the existing, unreliable water supply well. Furthermore, the well should not be used for any purpose, and should be properly abandoned under permit from the Alameda County Public Works Department.

If a municipal water supply connection is available to the subject property, the Department recommends that the municipal water supply be pursued over the installation of a new well, due to the questionable ground water quality in this area.

Please let me know whether I can be of further assistance. I can be reached at 510.567.6736.

Regards,

A handwritten signature in black ink, appearing to read 'Ronald J. Torres', with a stylized flourish at the end.

Ronald J. Torres, REHS
Supervising Environmental Health Specialist

c: file
James Yoo, Alameda County Public Works

 **DRAFT**

HAYWARD CITY COUNCIL

RESOLUTION NO. 06-_____

Introduced by Council Member

**RESOLUTION AUTHORIZING THE CITY MANAGER TO
APPLY TO LAFCO FOR APPROVAL OF UTILITY SERVICE
AGREEMENTS (USA 06-01) TO PROVIDE WATER AND
SEWER SERVICE TO PROPERTY LOCATED AT 2661
DEPOT ROAD AND FURTHER AUTHORIZING THE CITY
MANAGER TO EXECUTE SUCH AGREEMENTS, AS WELL
AS AGREEMENTS FOR COMPLETION OF PUBLIC STREET
IMPROVEMENTS**

**WHEREAS, sanitary sewer and water service has been requested for the
property located at 2661 Depot Road, Assessor's Parcel No. 441-0065-014-00; and**

**WHEREAS, pursuant to City policy, the Applicants have executed agreements
to install street improvements across the property frontage at a future date and agreed to annex
when requested by City; and**

**WHEREAS, the City is required to apply to LAFCO for approval of the utility
service agreements, for which the Applicants have agreed to pay.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward
that the City Manager is authorized to file an application with the Alameda County Local Agency
Formation Commission ("LAFCO") for approval of the utility service agreements (Utility
Service Agreement 06-01) in connection with the property located at 2661 Depot Road,
Assessor's Parcel No. 441-0065-014-00.**

**BE IT FURTHER RESOLVED that the City Manager is also authorized to execute
utility service agreements and public street improvement agreements in the form of the
agreements on file in the office of the City Clerk, to which reference may be made for further
particulars, following the LAFCO's approval of the utility service agreements pursuant to
Government Code section 56133.**

**BE IT FURTHER RESOLVED that the City Manager is hereby authorized and
directed to negotiate and execute on behalf of the City of Hayward a Public Street
Improvement Agreement for the property located at 2661 Depot Road**

IN COUNCIL, HAYWARD, CALIFORNIA , 2006

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: